

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDALL S. CAIN,

Plaintiff,

No. 08-CV-14699-DT

vs.

Hon. Gerald E. Rosen

PATRICIA CARUSO, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on July 13, 2010

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This Section 1983 prisoner civil rights matter having come before the Court on the May 24, 2010 Report and Recommendation of United States Magistrate Judge Virginia M. Morgan recommending that the Court grant Defendants motion to dismiss and that Plaintiff's Complaint be dismissed in its entirety; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' motion to dismiss should be granted and this case should, accordingly be dismissed in its entirety; and the Court being otherwise fully advised in the

premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of May 24, 2010 [**Dkt. # 48**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Dismiss [**Dkt. # 38**] is GRANTED and Defendants' subsequent Motion for Summary Judgment [**Dkt. # 46**] is denied as MOOT. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED in its entirety, with prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: July 13, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 13, 2010, by electronic and/or ordinary mail.

s/Ruth A. Gunther
Case Manager